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House Bill 4704 (Substitute S-3 as reported)**Sponsor: Representative Richard A. Young****House Committee: Labor****Senate Committee: Human Resources and Senior Citizens****Date Completed: 10-27-87****RATIONALE**

Public Act 291 of 1966 established the Michigan Fire Fighters Training Council. Among the primary responsibilities assigned the council was the preparation and publication of advisory training standards for local fire departments. Despite the presence of these standards, many claim that training has been haphazard and inconsistent. The council reports that there is at least one fire department in the State in which no classes are offered. Some estimate that only 85% of city fire departments train their fire fighters. Fire fighters believe that the safety of one fire fighter is dependent upon the training and expertise of every fire fighter present at the site of a fire. The solution to the problem of poorly trained or untrained fire fighters, many claim, is to impose mandatory, rather than advisory, training standards, aimed at establishing minimum basic training requirements for all newly hired or appointed fire fighters.

CONTENT

House Bill 4704 (S-3) would amend the Fire Fighters Training Council Act to revise the definitions of "fire fighter" and "fire department or other organization", to increase the membership of the Fire Fighters Training Council, and to specify some of the duties of the council.

The term "fire fighter" would be amended to delete the terms "fireman" and "volunteer fireman". "Fire fighter" would be defined as "a member, including volunteer members and members paid on call, or a fire department or other organization of a city, county, township, or village who is responsible for, or is in a capacity which includes responsibility for, the extinguishment of fires, the directing of the extinguishment of fires, the prevention and detection of fires, and the enforcement of the general fire laws of this state"; but would not include those whose job description, duties, or responsibilities did not include direct involvement in fire suppression. The bill would delete the provision under which a person serving as a fire fighter may not include a person serving as such solely by virtue of occupying any other office, a fire commissioner or deputy or assistant fire commissioner, or a fire chief or deputy or assistant fire chief. "Fire department or other organization" would mean an organization that provides fire suppression or other fire-related services.

The size of the council would be increased to seven members from the current six members and would have to include one member appointed by the Governor from a list of two names submitted by the Michigan Townships Association and two names submitted by the Michigan Municipal League. In addition, each fire department would have to designate at least one training officer or training coordinator within 60 days after the bill's effective date. If the training officer or coordinator were changed, the

fire department would have to notify the council of that change within seven days.

The Act requires the council to prepare and publish standards. The bill would require these to include "advisory" (rather than "minimum") standards of physical, educational, mental, and moral fitness to govern the recruitment of fire fighters. It also specifically would authorize the council to approve the standards of fire fighter training schools. These standards would be required to address at least the following issues:

- The qualification and certification of training school instructors.
- Courses of study, attendance, record keeping requirements, equipment, and facilities.
- The visitation and evaluation of instructors and schools by the council.

The bill would require the council to develop and provide to each fire department, upon request and at no charge, fire fighter training videotapes. Videos would have to be based on the Fire Fighters I and II standards set forth in the "Fire Fighter Professional Qualifications" National Fire Protection Association pamphlet, and could not include training that requires a practical demonstration. Fees could be imposed for loss, damage, or late return of a video.

In addition, the council would have to develop and administer an examination "to determine a person's competency in regard to the knowledge and skill requirements set forth in Fire Fighter I and II standards". The test would have to include either a written or oral exam or a practical demonstration, or both. Upon a fire department's request, the exam would have to be administered in each county at least once a year. Part one of the exam would have to test for the knowledge and skill requirements set forth in Fire Fighter I, and part two would have to test for the knowledge and skill requirements set forth in Fire Fighter II. Upon request from a fire department, the exam could be retaken. A full-time fire fighter would have to pass both parts of the test within 12 months of his or her hiring to be eligible for continued or permanent full-time employment. A volunteer or paid on-call firefighter would have to pass part one of the exam within 24 months of his or her appointment to be eligible for continued service. The examination requirements would not apply to those employed or under appointment as fire fighters on the bill's effective date, unless a fire fighter subsequently changed from a volunteer or paid on-call status to full-time employment.

The bill would take effect on October 1, 1988.

MCL 29.362

H.B. 4704 (10-27-87)

OVER

BACKGROUND

Current law authorizes the council to prepare and publish advisory standards to apply to the following:

- Minimum standards of physical, educational, mental, and moral fitness to govern the hiring and recruitment of fire fighters.
- Approval of fire fighter training schools administered by a city, county, township, village, or corporation.
- Minimum courses of study at approved training schools.
- Minimum qualifications for instructors at approved fire fighter training schools.
- Minimum basic training requirements to be completed before fire fighters appointed on either probationary terms, or appointed on other than a permanent basis could become eligible for permanent or continued employment, and the time by which basic training should be completed.
- Categories or classifications of advanced in-service training programs, and minimum courses of study and attendance requirements for them.
- Establishment of subordinate regional training centers of strategic geographic locations, in order to serve the greatest number of fire departments that are unable to support their own training programs.

SENATE COMMITTEE ACTION

The Senate Committee on Human Resources and Senior Citizens adopted a substitute (S-3) to the bill that differs from the House-passed version in the training requirements that would be imposed. While the Senate substitute would require an examination to require competency based on professional standards specified in the National Fire Protection Association pamphlet, "Fire Fighter Professional Qualifications", the House-passed version would require the council's standards to include "minimum basic training requirements" of not less than 264 hours for full-time fire fighters and 132 hours for volunteer or paid on-call fire fighters.

The Senate substitute also would require the council to make training videos available to fire departments; increase the membership of the council; and require each fire department to designate a training officer or coordinator. None of these provisions were included in the House-passed version. Finally, the Senate substitute would take effect on October 1, 1988, while the House-passed version includes an effective date of April 1, 1988.

FISCAL IMPACT

The fiscal impact of this bill would be approximately \$95,000 to \$135,000 per year in expenditures to the State.

ARGUMENTS

Supporting Argument

Mutual aid pacts are a common component of fire fighting. Fire fighters from many different jurisdictions and communities assist one another in fire suppression efforts. If these individuals are not trained, they are a danger to themselves, their colleagues, and the public. It is essential that everyone at the site of a fire has at least a minimum amount of knowledge to assure that his or her inexperience or incompetency does not cause injury.

Supporting Argument

Training is an accepted cost of every business. To deny the need for required minimum training standards is to deny our citizens and fire fighters an efficient and effective fire service. Fire fighter safety, liability issues, and the potential for life and property loss demand a competent, professional fire fighting force.

Opposing Argument

The bill's standards would not be stringent enough. The same standards should be imposed for volunteers and for full-time fire fighters. These personnel face the same types of situations and should be prepared adequately on an equal basis. Fires and fire fighting are not less dangerous for volunteer fire fighters than for full-time fire fighters, so the training requirements should be the same across the board. In addition, the bill should require actual participation in a training course. The bill would require only a demonstration of skills, either by written or practical means; and would allow training by instructional video. Fire fighters can't learn proper fire fighting and safety techniques from a movie — they should be required to participate in live training exercises.

Response: Without also providing for State funding, the bill could not mandate actual participation in a training course. Such a mandate, absent a State appropriation, might not comply with the so-called Headlee Amendment to the State Constitution.

Opposing Argument

The bill would impose basic training requirements only on new hires. It should include provisions to ensure that existing fire fighters were trained. Also, training requirements should extend beyond the bill's standards; training should be a continuous effort throughout a fire fighter's career.

Response: The Michigan Occupational Safety and Health Act (MIOSHA) requires training. The problem is that it doesn't specify the extent of that training. Many firefighters already have participated in training programs that would meet the bill's requirements, while others have the knowledge and experience necessary to fight fires adequately. The bill would ensure that new personnel gained the job's necessary skills and knowledge quickly. To require all current fire fighters to comply with the bill's training standards would be a considerably larger undertaking. The greater concern is that new fire fighters, especially volunteers (many of whom are not sent to training programs), are familiarized with the potential hazards of the job and the methods of dealing with those hazards.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.